THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.20029 OF 1995

DATED: 23-01-2007

Between:

M. Jagan Mohan Reddy

.. Petitioner

and

The Chairman, PACS, Kanakamamidi, Moinabad Mandal, Ranga Reddy District and others.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.20029 OF 1995

ORDER:

This writ petition is filed seeking a mandamus declaring the action of the 1st respondent in asking the petitioner not to attend to the duties as Paid Secretary of the Primary Agricultural Co-operative Society (for the short 'the Society), Kanakamamidi, as arbitrary and illegal; and consequently to direct the 1st respondent to allow the petitioner to continue as a Paid Secretary of the Society.

It is the case of the petitioner that he was appointed as a Paid Secretary in the Society in the year 1987 on a monthly salary of Rs.800/-. Since then he has been discharging his duties to the utmost satisfaction of the superior authorities. He had undergone training as per the resolution passed by the Managing Committee. While that being so, without any notice, on 30-08-1995, the new Managing Committee that has been elected for the Society has asked the petitioner not to attend duties from that day onwards. According to the petitioner, he had completed six years of service and asking him not to attend the duties amounts to termination of his services without any notice. Hence, this writ petition.

A detailed counter-affidavit has been filed on behalf of the 1st respondent. It is stated that the Society is not amenable to the jurisdiction of this Court under Article 226 of the Constitution of India, since the petitioner is not

governed by any statutory rules as to his service conditions and the services of the petitioner were found to be not necessary. Further, he was only a temporary employee. Therefore, discontinuation of the service of the petitioner cannot be said to be either arbitrary or illegal.

While admitting the writ petition, on 05-09-1995, an interim order was passed directing the 1st respondent to continue the petitioner in service until further orders. Though a vacate petition is filed, the same was directed to be posted along with the writ petition. Thus, the petitioner is continuing in service as of now.

Neither the counsel for the petitioner nor the counsel for the 1st respondent are able to say whether the petitioner's services were regularized or not.

Therefore, without going into the facts as to whether the writ petition is maintainable or not, I deem it appropriate to close the writ petition holding that it is always open for the Society to take appropriate action as per law, if any necessary at this length of time, after issuing notice.

The writ petition is accordingly closed. There shall be no order as to costs.

C.V. RAMULU, J

23rd January 2007.
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